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1.1 Citation

This Chapter may be cited as Wagga Wagga Development Control Plan 2005 Chapter 44 Estella South East. This will be referred to later in this document as “the chapter”.

1.2 Land to Which This Plan Applies

This chapter applies to all land zoned for urban use and identified as “Subject Land” on Attachment 1. The land is partly zoned 2 Residential, 3 Business and 5 Special Uses. The land is bounded by Avocet Drive to the north, to the south by the Olympic Highway, to the west by Pine Gully Road and Boorooma Street to the east.

The Estella site exists to the north of the City and Murrumbidgee River and South of the University Campus and adjacent to Boorooma West neighbourhood to the east.

1.3 Relationship to Other Planning Documents

Update list to include all relevant policies

This Chapter supports the objectives and recommendations of Council’s existing policies, in particular:

- Vision 21 Land Use Strategy May 2006;
- Wagga Wagga Local Environmental Plan 1985;
- Retail Strategy;
- City of Wagga Wagga Section 94 Contributions Plan 2006;
- Recreation Plan 2005;
- Cultural Plan 2006 - 2015;
- Social Plan 2002 - 2008;
- Engineering Standards and development guidelines;
- Water Management Plan;
- Other relevant chapters of Wagga Wagga Development Control Plan 2005.

This Chapter is to be implemented in conjunction with Council’s existing policy documents.

Relevant studies and reports required to be considered for development within the land to which this Chapter applies:

- Estella Estate Development Controls - Strategic Planning Project (UDAS 2000);
- An Aboriginal Archaeological Heritage Overview of the Proposed Estella Residential Subdivision, between Pine Gully Road and the Olympic Way, Wagga Wagga (Central West Archaeological and Heritage Services Pty Ltd 2005);
- Environmental Acoustical Assessment for Estella Neighbourhood Development (Bassett Acoustics 2005);
1.4 Objectives

- To provide scope for a variety of residential styles and living opportunities whilst maintaining environmental amenity of the area.

- To allow for sufficient guidance to ensure that the design of new development relates to the characteristics and potential of the particular site.

- To ensure that the scale and appearance of new development is compatible with the character of surrounding neighbourhoods by establishing and applying “Urban Design Principles” based on best practice guidelines.

- To ensure that the new development recognises the environmental constraints and physical attributes covering the site and embraces best practice techniques so that the environment is preserved and where possible improved.

- Set reasonable environmental controls for solar access, privacy, noise, vehicle access and landscaping.

- Provide an accessible neighbourhood centre that caters for community activities and convenience shopping ensuring the shops and business services are consistent with the City’s Retail Strategy.

1.5 Operation of the Plan

This plan has been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act 1979 and consists of a written document supported by the Estella Neighbourhood Plan and an amendment to the sub zones under the Wagga Wagga Development Control Plan 2005.

This plan is effective from the date the public notice of its approval is given in a local newspaper, or on a later date specified in the notice in accordance with Clause 21 of the Environmental Planning and Assessment Regulations 2000 and may be varied or repealed by Council in accordance with clauses 22 and 23 of the same Regulation.

1.6 Application of the Chapter

This Chapter has been prepared to provide:

- parameters in which the orderly progression of subdivision can take place; and

- a degree of predictability in the development of the land for the benefit of existing and future residents and other affected parties.

Each stage of subdivision is subject to development approval and will be individually assessed based on information that is relevant to the specific site. Further investigation into site specific details may necessitate alterations to the plans that
form part of this Chapter. It is noted that these plans provide no guarantee of consent for any stage or part of the development.

The information required to be submitted with each Development Application to allow Council to properly assess an application is outlined in the following sections.

**Variation**

Development of land to which this Chapter applies shall be generally in accordance with the provisions of this Chapter. Where Council is of the opinion that strict compliance with a specified numerical control or boundary requirement is unreasonable or unnecessary, it may permit a variation provided the aims and objectives of this plan are complied with. It is the applicant’s responsibility to present sufficient evidence justifying the variation.

**1.7 Staging Strategy**

This chapter applies to land zoned for urban purposes, ie to the land zoned 2 Residential, 3 Business and 5 Special Uses.

The future development of Estella South East Neighbourhood has been divided into stages, as shown in Figure 8 of the Estella Neighbourhood Plan, and each stage is distinguished by different land characteristics.

Restrictions on development imposed by the sewer strategy and zoning of the land dictate the way the estate will be staged.

**Stage 1**

Development has taken place along the frontage lots on Franklin Drive. This will be followed by development west of Settlers Village. Staging will proceed up the slope to the ridgeline that is the current boundary of the residential zoning. Stage 1 will take 3 to 5 years to develop.

**Stage 2**

The stage will require the extension of the sewer carrier main south from the detention basin near Boorooma Street. This will allow the slopes of the central valley to be developed from south to north. The development of the District Park can occur during this stage.
2 Development Controls

The following controls apply to the development of land contained within this plan.

2.1 Lot Size and Density

Refer to Attachment 1 for the proposed sub zone layout.

Objectives

- To create a residential development which is sustainable in terms of the environmental (social, economic natural and built) and urban capability of the area in terms of its suitability for development and servicing of the development.

- To provide for a variety of housing types offering a range of lifestyle choices including “affordable housing” together with a range of community services and facilities to maintain a quality of life for the residents.

- To recognise that lot yields per residential hectare in the elevated areas will be lower due to topographical constraints.

- To recognise that the dwellings located in proximity to the Olympic Highway will require special consideration in respect of sighting design and construction.

- Dwelling densities to ensure full utilisation of all utility services without requiring the service authorities to extend or amplify their services outside the capacity of their adopted service plans.

Performance Criteria

- Dwelling densities shall be in accordance with the following:
  - Residential 2(a) General (Urban Living Area) - 10 dwellings per residential hectare.
  - Residential 2(b) Low Density (Urban Living Area) - 3 dwellings per hectare.
  - Residential 2(c) Medium Density (Urban Living Area) – 40 dwellings per residential hectare.

- To achieve the above mentioned dwelling density within the Residential 2(a) (Urban Living Area) zone, dwelling entitlements may be transferred between stages of the subdivision providing that those stages are held within the one ownership.

- With each Development Application for subdivision, the developer shall provide the following information:
  - Number of dwelling entitlements available in the overall development site;
  - Number of dwelling entitlements utilised in previous stages;
- Number of dwelling entitlements in proposed stage of subdivision; and
- Number of dwelling entitlements that will remain following proposed stage of subdivision.

- All proposed duplex sites or multi dwelling housing sites shall be nominated upon submission of the Development Application.

### 2.2 Energy and Water Efficiency

#### Objectives
- To encourage development that maximises the use of passive solar energy and avoids the obstruction of solar access due to poor subdivision design.
- To encourage the use of design elements to modify unfavourable local climatic effects.
- To incorporate water saving and water wise facilities as an integral part of the design and construction of all development.
- To recognise and comply with the “BASIX” philosophy and practices (BASIX - Building Sustainability Index).
- To develop a Water Management Plan in conjunction with Riverina Water for the Estella South East neighbourhood.

#### Performance Criteria
- All residential allotments under 1000 square metres shall be designed and oriented to maximise solar access and shall meet the following requirements:
  - The permissible bearing range for the long axis of each allotment shall be 250° to 300° (East/West blocks) and 340° to 30° (North/South blocks).
  - An energy audit for each lot shall be conducted in accordance with energy efficiency ratings set out below. A minimum of 80% of all residential lots shall achieve a 5 star rating with the remainder achieving a rating of at least 3 stars. Details of the audit shall be submitted with the Development Application in accordance with Note (f) below.

<table>
<thead>
<tr>
<th>Lot Orientation</th>
<th>Minimum Lot Width (metres)</th>
<th>Star Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5 Star</td>
<td>4 Star</td>
</tr>
<tr>
<td>East/West</td>
<td>&gt;16.8</td>
<td>15.6 – 16.8</td>
</tr>
<tr>
<td>North</td>
<td>&gt; 14.1</td>
<td>12.2 – 14.1</td>
</tr>
</tbody>
</table>
Notes

a) Lots are rated from 5 stars (the best) to 1 star (the worst) according to their width and orientation. Lots with a long axis bearing between 250° and 300° facing a north-south street normally achieve a good rating.

b) Definitions:
   - **East/West:** Bearing of one long axis within 250° and 300° with street on east or west side.
   - **North:** Bearing of one long axis within 340° and 30° with street on southern side.
   - **South:** Bearing of one long axis within 340° and 30° with street on northern side. Note that greater lot widths are required to allow for car access to the north.

c) Where the front boundary is curved or contains angles the line between the main corners of the block should be used instead to determine lot width. Where the block is a skewed block the perpendicular line between the side boundaries should be used instead of the front boundary line.

d) For south sloping blocks with a long axis bearing within 250° and 300° (ie East/West blocks), the following adjustments shall be made to the frontage dimensions. For north sloping blocks, the following adjustment is optional.

### Slope Adjustment to Lot Width (metres)

<table>
<thead>
<tr>
<th>Degree Of Slope</th>
<th>Star Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5 Star</td>
</tr>
<tr>
<td>5 &lt; 10%</td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>+0.8</td>
</tr>
<tr>
<td>North</td>
<td>-0.8</td>
</tr>
<tr>
<td>10 &lt; 15%</td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>+1.5</td>
</tr>
<tr>
<td>North</td>
<td>-1.5</td>
</tr>
<tr>
<td>15 &lt; 20%</td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>+2.1</td>
</tr>
<tr>
<td>North</td>
<td>-2.1</td>
</tr>
</tbody>
</table>

e) Lots with a slope of 20% or more shall achieve an energy rating of 1 Star.

f) The star rating of each residential allotment shall be nominated on the plan submitted with the Development Application. A summary table shall also be provided showing the following information.

### Residential Allotment Energy Rating

<table>
<thead>
<tr>
<th>Energy Rating</th>
<th>Number of Blocks</th>
<th>Percentage of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 Stars</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Stars</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Stars</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Stars</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
• The applicant demonstrates that consultation has occurred with Riverina Water at the time of submitting a Development Application for subdivision.

2.3 Building Envelopes and Building Design

Objectives
• To site and design buildings to meet community expectations in regard to privacy, solar access, views and residential character.
• To enhance the general appearance and character of the streetscape and open space areas.
• To protect the visual amenity of the natural ridgelines and creek lines.

Performance Criteria
• Dwelling and outbuildings shall be designed and sited so they do not significantly detract from other properties in terms of privacy, solar access and views.
• Maximum allowable height within Estella neighbourhood is two storeys.
• Building setbacks are in accordance with Section 8.5.7 of Wagga Wagga Development Control Plan 2005.
• Buildings on steep slopes must incorporate the following design elements:
  o Use stepped building forms to minimise cut and fill, the height of building and avoid disruption to groundwater flow;
  o Avoid large expanses of single materials such as unbroken external walls or roof lines;
  o Avoid the use of bright or reflective materials.

2.4 Standardised Fencing fronting Old Narrandera Road and the Olympic Highway

Objectives
• To protect the visual amenity and aesthetics of the locality.

Performance Criteria
• The developer is to create a covenant to ensure that new and replacement fencing will be non reflective, uniform in colour and designed and erected to be sympathetic to the amenity and aesthetics of the locality.
2.5 Road and Street Design

Refer to Figure 4 of the Estella Neighbourhood Plan for the proposed road structure.

Objectives

- To provide sufficient width of carriageway and verge to allow streets to perform their designated functions within the street network.
- To allow all users of the street, including motorists, pedestrians and cyclists, to proceed safely and without unacceptable inconvenience and delay.
- To provide a network of streets which is easily legible for all.
- To control the maximum length of time travelled in a low speed environment.
- To establish a street and pedestrian network which provides convenient linkages to activity centres and areas.
- To ensure roads proposed as bus routes are of adequate width.
- To ensure through traffic will not create an adverse impact on the residents of the neighbourhood.

Performance Criteria

- Road layout and widths shall be generally in accordance with Figure 4 of the Estella Neighbourhood Plan.
- All roads shall be constructed in accordance with Council’s Engineering Guidelines for Subdivisions and Developments at full cost to the developer.

2.6 Vehicular Access and Parking

Objective

- To provide appropriate levels of vehicular access, safety and convenience for motorists in residential areas, whilst maintaining acceptable levels of amenity and protection from the impact of traffic on other street users.

Performance Criteria

- Where minimum road widths are used, areas for visitor parking, at a rate of 1 space per 3 dwellings, are to be shown on the subdivision plan submitted with the Development Application.
2.7 Pedestrian Access and Cycleways

Refer to Figure 5 of the Estella Neighbourhood Plan for the proposed layout of pedestrian access pathways and cycleways.

Objectives

• To provide appropriate levels of access, safety and convenience for pedestrians and cyclists in residential areas, while ensuring acceptable levels of amenity and protection from the impact of traffic.

• To provide a safe, convenient and legible network of all weather paths for pedestrian and cyclist movement.

Performance Criteria

• The developer shall provide footpaths along the collector routes and to the main open space areas.

• Footpaths shall be constructed to Council’s Engineering Guidelines for Subdivisions and Developments at full cost to the developer. The footpaths shall be constructed prior to the release of the survey plan for the next stage of subdivision or prior to release of the maintenance bond (if there is no further subdivision proposed).

• Concrete footpaths should be constructed after at least 80% of houses in the subdivision are constructed or 2 years within (whichever occurs first).

• Footpaths adjacent to vacant sites will be constructed to a standard to withstand construction vehicles.

• Collector Roads must include 1.2m wide footpaths on one side of the road reserve.

• Footpaths and cycleways must be provided in central open space which involves the Hilltop Reservation, the District Park and the open space corridor leading south to Old Narrandera Road.

2.8 Noise and Vibration

Objectives

• Ensure the residents of the Olympic highway land will not be adversely affected by highway noise or vibration.

Performance Criteria

• A setback of 20 metres shall be maintained along the highway boundary facing the Olympic Highway.
It is recommended that living rooms face the highway and bedrooms be oriented away from Olympic Highway, to protect sleeping occupants from traffic noise, and reduce incident of sleep disturbance. If the recommended orientation is used no extra noise mitigation treatment may be required.

If bedrooms are oriented towards the Olympic Highway the bedrooms will comply with AS/NZ2107:2000. However, maximum noise levels are likely to exceed sleep disturbance criteria. It is therefore recommended that bedrooms that face Olympic Highway, and are within 80 metres of it, have windows of 6.38 mm laminated glass with acoustic seals, and be limited to a total area of 2 m² per bedroom.

2.9 Stormwater

Refer to Figure 2 of the Estella Neighbourhood Plan for a plan of stormwater catchments.

Objectives

- To detain and discharge water in a manner that will not impinge on adjoining catchments.
- To handle and dispose stormwater in a safe manner that ensures public safety.
- To reduce the inconvenience caused by stormwater and its potential to cause damage to property.
- To maintain the quality of stormwater leaving the site.
- To achieve the objectives of the Estella Drainage Strategy.
- To handle and dispose of stormwater in a manner that will not contribute to the recharge of groundwater levels and salinity issues.
- Provide well designed drainage corridors to allow ease of maintenance.
- To rehabilitate existing erosion and prevent further erosion with adequate management techniques.
- To ensure stormwater system will not impinge on other functions of the open space network.

Performance Criteria

- Stormwater drainage shall be provided throughout the development in accordance with Council’s Engineering Guidelines for Subdivisions and Developments and the following requirements at full cost to the developer.
- Estella Drainage Strategy for the site is to be submitted with the development application for any future subdivision in Estella. Detailed drainage design plans
for each stage of subdivision must be submitted with the development application for that stage of subdivision.

2.10 Services and Amenities

Refer to Figure 3 of the Estella Neighbourhood Plan for a plan of sewer strategy areas.

**Objective**
- To cater for the efficient provision of public utility networks and other services including water supply, sewerage, electricity, telecommunications and gas.

**Performance Criteria**

*Electricity and Gas*
- The developer shall be responsible for providing electricity and gas supply to all lots in the subdivision to the satisfaction of the service provider.

*Telecommunications*
- The developer shall be responsible for providing telephone and broadband internet connections for all allotments to the satisfaction of the service provider.

*Water Supply*
- The developer shall provide reticulated water supply to all allotments in accordance with the requirements of the service authority. The developer shall be responsible for meeting the cost of internal water reticulation mains and extension of existing mains where necessary.

*Sewer*
- The developer shall be responsible for providing reticulated mains sewer supply to allotments, including associated pump stations, to the satisfaction of Council.

- Detailed sewer design plans for each stage of subdivision must be submitted with the development application for that stage of subdivision.

2.11 Community Facilities and Shops

**Objectives**
- To create social cohesion, community capacity building, and enhance liveability of the area.

- To provide a multi-use facility for the community of the northern area of our Local Government Area, which provides a hub for interest groups. The facility will include office spaces for accommodating outreach services and a common meeting session room to operate targeted group activities.
Performance Criteria

- The kitchen and amenities service both the facility and the recreation space.

- The toilets shall be accessible both internally and externally and the kitchen with both internal and external (canteen) access.

- The building shall have frontage to both oval and the road, with access doors on both sides. The building shall have a verandah facing the oval.

- Parking is to be provided in conjunction with the community centre in accordance with Building Code of Australia requirements for community facilities.

- A hard service parking bay adjacent to the facility will be provided for the purpose of outreach mobile van services eg mobile library.

2.12 Aboriginal Heritage

Objectives

- To acknowledge, respect, conserve and protect Aboriginal Heritage Items within the Estella Neighbourhood.

- To endorse the cultural significance to Aboriginal Communities, providing links to culture, environment and knowledge.

- To ensure public safety is taken into consideration when conserving Items of Aboriginal Heritage.

- To manage Aboriginal Heritage Items in a way that is satisfactory to the Aboriginal Community.

Performance Criteria

- Prior to the commencement of development within any stage of the Estella South East neighbourhood, satisfactory consultation is to be carried out with Council and the Aboriginal Community (via the Wagga Wagga Local Aboriginal Land Council) to notify of the proposed method of management for Aboriginal Heritage Items or sensitive sites.

- The developers are to follow the procedures contained within the NSW National Parks and Wildlife Act 1974 prior to the removal or destruction of any item of Aboriginal Heritage.

- To invite and include the supervision of an Aboriginal Sites Officer whenever work is carried out in proximity to an Aboriginal Heritage Item or sensitive site.
2.13 Tree Cover, Native Vegetation and Granite Outcrops

Objectives
- To conserve existing native vegetation and establish new native vegetation in order to reduce the potential for dryland salinity, groundwater recharge and soil erosion, and to maintain and enhance biodiversity.
- To conserve existing granite outcrops within the site.

Performance Criteria
- The Box-Gum Woodland identified by the Ecological report is retained within Open Space.
- Residential allotments generally must not include areas of White Box, Yellow Box, Blakely’s Red Gum Woodland, Swift Parrot or Superb Parrot habitat. Consideration will only be given to the removal of these trees following a thorough assessment of their value. An assessment of these trees shall take into account the following matters:
  - Their potential to provide habitat for wildlife;
  - The results of the assessment undertaken in accordance with the requirements of Section 5A of the Environmental Planning and Assessment Act 1979 and the results of any Species Impact Statement if required;
  - Their function and capacity in reducing groundwater recharge;
  - Their aesthetic value and their potential to be incorporated as an attractive feature for the area; and
  - Their age, health and condition.
- Scattered trees, particularly large hollow bearing trees, must be retained wherever possible in open space and on larger allotments. Consideration will only be given to the removal of these trees following a thorough assessment of their value as detailed above.
- A plan is to be submitted with the development application for each stage of subdivision indicating which trees on the subject land are to remain and which trees it is proposed to remove.
- Compensatory tree plantings must utilise a minimum 6:1 ratio of trees planted to trees removed for each native tree to be removed.
- Revegetation and landscaping should use locally native species from seed of local provenance.
- Revegetation of riparian areas must use locally native tree and shrub species.
- Riparian areas must be revegetated to improve bank stability.
• The Land and Water Management Plan to be prepared for each stage of development must require the following:
  o Revegetation and landscaping must use locally native species from seed of local provenance where possible.
  o For the purpose of regeneration seed must be collected from trees to be removed.
  o Weeds must be adequately controlled along the access route to limit the seed set prior to excavation.
  o Areas of vegetation must be fenced to protect from construction activities.
  o Revegetated areas must be monitored for a period of five (5) years to ensure the establishment of planted vegetation. Within this period all plants that die must be replaced.

• The Soil Erosion and Sedimentation Plan to be prepared for each stage of development must require that stockpiled soils and plant equipment must not be located in areas of remnant vegetation or outcropping rock.

• Tree cover requirements shall be in accordance with Chapter 29 of the Wagga Wagga Development Control Plan 2005.

• Granite outcrops should be incorporated into housing development as features in gardens or between housing lots.

2.14 Open Space

Refer to Figure 6 of the Estella Neighbourhood Plan for the proposed open space layout.

Objectives
• To incorporate an open space network that provides useable and aesthetically pleasing areas for the community’s needs now and in the future.

• To develop an open space network that facilitates the protection of key environmental and cultural qualities contained within the site.

• To provide open space areas with natural surveillance from surrounding dwellings.

• To provide some open space with each stage of subdivision release.

• To preserve open space areas and ridgelines.

• To discourage the dumping of rubbish from adjoining residences in open space areas.

• To ensure parks and open space areas are maintained to a satisfactory standard.

• Provide well designed drainage corridors to allow ease of maintenance.
Performance Criteria

- Open space provided is to be located in accordance with Figure 6 Open Space Plan.

- Where relevant, landscaping will be carried out in accordance with Chapter 29 of the Wagga Wagga Development Control Plan 2005.

- Landscaping shall occur with locally native vegetation with approval by the Director of Asset Management prior to planting works.

- Each park must be embellished by the developer within 12 months of the release of the stage of subdivision that includes that park.

- The parks shall be landscaped with plantings, play equipment, paths and irrigation, with plans approved by the Director of Asset Management prior to release of the subdivision plan.

- Access to open space from the rear of residential allotments is prohibited.

- The proposed design and construction materials of boundary fences between residential allotments and adjoining open space must be detailed in the development application for the construction of the particular dwelling for approval by Wagga Wagga City Council.

- The design and construction materials for boundary fences for residential allotments adjoining open space must give due consideration to forming a positive relationship between the allotment and the open space. This can be achieved by utilising techniques such as:
  - Appropriate design and location of dwellings so that some form of frontage is provided to the open space by the dwelling or an outdoor living area.
  - Construction of boundary fences along boundaries that adjoin open space with materials and design that will prevent a long, uniform and solid barrier between residential allotments and open space. Examples of methods to achieve this include utilising panels of translucent decorative security fencing between solid pillars and incorporating landscaping along with translucent fencing to achieve privacy where required.
3 Other Matters for Consideration

3.1 Information to be Submitted with a Development Application

Development Application Checklist
- Council has prepared a Development Application Checklist for Subdivision that outlines information required for the application to be fully assessed. The information required within this checklist is in addition to any information required under this Chapter. Development Application Checklists are available from Council upon request.

Flora and Fauna
- For each stage of subdivision, the required Development Application will be accompanied by details of whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats in accordance with the requirements of Section 5A of the Environmental Planning and Assessment Act 1979.

Compliance with the Development Control Plan
- For each stage of subdivision, the Development Application must be accompanied by a statement detailing how the proposed development meets the requirements of this Development Control Plan.